tainly calls for an extensive exchange of bills, drafts, and credits with all countries. Here may be found the law to which these instruments must conform.

Professor Lorenzen's "Discussions," which follow in each case the collection of each country's rules for the Conflict of Laws, seem to be based upon a positivist philosophy: regarding each question in dispute between the different countries as a case for compromise, without regard to its effect upon the general body of any particular law. This is the principle upon which the Hague Conventions proceed. A Professor of Engineering once drafted a city charter on the principle, as he said, on which he would build a bridge; that is, he compared all existing city charters, and selected the provision which pleased him best for each paragraph of his own charter. A bridge is made; but law, like a city charter, is born, not made, if it is to prove viable. A sentence of Professor Lorenzen's is suggestive on this point: "Although the Convention of the Hague [of 1912] has not yet been ratified by any of the signatory powers, it expresses nevertheless the general point of view obtaining in foreign countries with reference to bills and notes." It may be doubted whether any power short of direct sovereign power can force upon a country outland ideas of law; sometimes not even that, as witness Professor Ehrlich's illuminating studies as to the law of Bukowina. May we not fear that any effort to create mechanical uniformity of law throughout the world is doomed to failure?

An excellent example of Professor Lorenzen's method is his discussion of the law governing the "Obligation" of the bill or note (page 108). He first marshalls his evidence, — which is the opinion of a considerable number of continental writers, a few decisions of German courts, and an equal number of English and American decisions, together with references to Story. Long extracts are given from Savigny, Bar, Wächter, Story, Lainé, Hertius, Paul Voet, and Lord Mansfield's decision in *Robinson* v. *Bland*. All the arguments are weighed, and a final preference expressed in favor of the prevailing opinion, that the *lex loci contractus* should govern the obligation.

This method makes of law a series of dead rules. Law is not that; it is a living, growing thing, which may be changed in detail, but cannot be dismembered and live.

The same weighing of evidence, the same conclusion reached on the evidence, the preference for a compromise rule quite independent of any general principle and regardless of the general body of law appears throughout the work. It is the method of the bridge-builder. It may be admitted that this method is necessary if one is to bridge the gap between Anglo-American and Continental law; but such a bridge can never be built. Let us frankly admit that the Common Law is not the Civil Law; let us bewail the fact, if necessary; let us understand the Civil Law, with such sympathetic knowledge as one can acquire of a foreign system to which he was not born; but let us not try to create a legal Esperanto.

Professor Lorenzen's high powers, his scholarship, his industry, his patience, his judgment illumine his book, and he has written a work for which the profession owes him much; but not the least interesting thing about it is its promise of fine work to come, when he gives us more at length the results of his study in the strictly common-law doctrines of the Conflict of Laws.

JOSEPH H. BEALE.

CONSTITUTIONAL POWER AND WORLD AFFAIRS. By George Sutherland, former United States Senator from Utah. New York: Columbia University Press. 1919. pp. 202.

The wars in which this country has been engaged have given rise to great questions of national policy, of political morality, and of constitutional power. With the Spanish War we definitely departed from our traditional policy of

isolation; the present war has shown us how complete that departure has become. In his famous discussion of "Our New Possessions," a legacy of the Spanish War, Professor James Bradley Thayer said: "If you ask what this nation may do in prosecuting the ends for which it was created, the answer is, It may do what other sovereign nations may do." Senator Sutherland, in a series of lectures delivered at Columbia University last winter, vigorously upholds the power of the national government to do in international affairs what other nations may do. In all matters of external sovereignty the powers of the nation are supreme and exclusive. The treaty-making power, he maintains, belongs to the nation as an attribute of sovereignty, and, except as limited by express provisions of the Constitution, extends to all matters which are within the proper scope of treaties. He contends that the nation is not helpless when a state attempts to exclude Japanese from the public schools or to forbid their owning land, or when foreign subjects are maltreated in any state; and that if in such cases a foreign nation has been aggrieved, "it is not from lack of power but from lack of action on the part of the national government." In time of war, he maintains, the nation has all powers necessary for national self-preservation. "The power to declare war includes every subsidiary power necessary to make the declaration effective. It does not mean the power of waging war feebly, with restricted means or limited forces. It means the power to proceed to the last extremity." Hence the various emergency statutes of the present war are within the constitutional power of Congress to enact. In particular Senator Sutherland exerts himself in upholding the Espionage Act, and he contends that not merely is the act constitutional, but that it does not go far enough. The book is an interesting and vigorous exposition of the point of view of an aggressive nationalist.

A. W. S.

CASES ON NEGOTIABLE INSTRUMENTS, SUPPLEMENTARY TO AMES'S CASES ON BILLS AND NOTES. By Zechariah Chafee, Jr. Published by the editor. 1919. pp. vi, 106.

Dean Ames's case-book on Bills and Notes is the most exhaustive case-book that has ever been prepared for the use of students. At the time of its appearance it presented in its cases and notes a complete picture of the law of the subject with which it dealt. An index and summary at the end of the second volume stated the law with a combination of brevity, completeness, and exactness which has seldom, if ever, been equaled.

More than twenty-five years have elapsed since the publication of this book, and during that time the Negotiable Instruments Law has been enacted in most states of the Union, and many decisions have construed the act, as well as the common law. This has made it desirable, ultimately, to prepare a new case-book on the subject, and, in the meantime, to present in the pamphlet under review the most important recent decisions. The cases are well selected, and the annotations, though not attempting a full list of authorities, indicate the most significant articles and decisions.

S. W.

YEAR BOOKS OF EDWARD II. Volume XV; 6 & 7 EDWARD II. Being Volume 36 of the Publications of the Selden Society, for the year 1918. By William Craddock Bolland. London: Quaritch. 1918. pp. lx, 294.

After a sad interval these records of the lives of men six centuries ago are issued again; in the old form, they take up the translation of the Year Books of Edward II, giving us in this volume the cases of a half-year. As has been true in the other books of the series, there is little to interest a modern legal